The Examiner entered the following rejection in the office action.

1. Claims 1-6 and 7-8 are rejected under 35 USC 103(a) as being unpatentable over Bibbiani et al. (US patent 5,639, 153).

On a preliminary note, for the purposes of this amendment Applicant assumes the foregoing rejection was intended to cover claims 1-5, 7, and 9-15 since claim 6 is subject only to objection and claims 16-18 are allowed. Claim 8 was cancelled in the response date April 1, 2002.

Applicant respectfully disagrees with the Examiner's conclusions and reasserts the arguments presented in the amendment dated November 1, 2002.

In order to sustain a 103(a) rejection the reference must teach or suggest all of the claim limitations. There must be a basis in the art for modifying the reference. There must be a reasonable expectation of success of the modification, and the proposed modification(s) cannot destroy the principle of operation of the reference.

With respect to amended claim 1, Applicant agrees with the Examiner that Bibbiani does not disclose the light source 13 between the reflective surface 12 and the planar layer 15, please see the application. This alone renders Bibbiani unavailable to support the rejection. Nor is there motivation to modify Bibbiani in such a manner.

Modifying Bibbiani as proposed by the Examiner necessarily requires omitting one of the two reflectors. Namely, omitting reflective surface 18' or 32 would reduce Bibbiani to a single light pipe emitting a single narrow beam of light. There is no incentive to modify Bibbiani in this manner since it would not be capable of providing area illumination, its intended purpose.

To illustrate, Bibbiani teaches the following arrangement if one follows a theoretical ray of light: light source (14)- reflector (32)- reflector (20). See Fig. 3. Bibbiani does not teach the light emitting surface. The only available analog to this assertion may be support (28) which has no specific teaching relating to light transmission. Although it is not particularly identified in the office action, for the purposes of these arguments, Applicant assumes the Examiner's reference to "planar layer" refers to discharge end 15. However, there is no teaching in Bibbiani that discharge end 15 comprises either a "planar layer" or any form of "layer" at all. Bibbiani does refer to a "substantially planar *support* surface S", col. 5, lines 58-59 (emphasis added). However, surface S does not comprise light transmitting elements and it is only used for mounting the head assembly 13. Further Bibbiani does not teach the substantially planar layer embedded in a vehicle structural component.

As argued previously, Applicant respectfully asserts that the Examiner's reliance on In re Japikse to cast the invention as simple rearrangement, and to thereby avoid the problem of changing the principle of operation, is not appropriate. *Japikse* is not applicable in this case because *Japikse*



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*invention*.[1] (emphasis added). In this case, moving the location of the Bibbiani light source is significantly more that a simple position change as it modifies and destroys proper operation of the cited reference, rendering it unavailable to support the rejection.

As to claim 2, 3, 4, and 5, each directly or ultimately depends from amended claim 1.

The Examiner objected to claim 6.

As to amended claim 7, Bibbiani does not teach the substantially planar layer integral to a vehicle bumper, therefore rendering it allowable. Further, as argued for amended claim 1 above, the disclosure in Bibbiani teaches nothing of lens 28' other than "Support 28' is shown as a light transmissive lens which is mounted to primary reflector 20'", col. 5, lines 64-65. No further teaching is provided as to the particular structure, form or use of the "lens", nor does it purport to solve any problem relating to the "lens".

As to amended claim 9, Bibbiani does not teach a light emitting surface having a visual appearance substantially the same as an adjacent vehicle member surface in which the light emitting surface is embedded when the light source is not illuminated.

As to claim 10, 11, and 12 each directly or ultimately depends from amended claim 9.

As to amended claim 13, Bibbiani does not teach a light emitting surface integral to a member surface, the member surface transparent to a light transmitted from the light emitting surface; and the light emitting surface is not substantially visually distinguishable from the member surface when the light source is not illuminated. Applicant respectfully asserts that none of these elements are taught by Bibbiani. More particularly, Bibbiani does not teach a light emitting surface being substantially visually indistinguishable from the adjacent member surface when the light source is not illuminated.

As to claim 14 and 15 each directly or ultimately depends from amended claim 13.

Claims 16-18 are allowed.

New claim 19 is patentable over Bibbiani since it does not teach a member surface comprising a tint.

Applicant respectfully requests withdrawal of the rejection as to all claims.

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[1] The *Japikse* court stated "As to that limitation it was held that there would be no invention in shifting the starting switch disclosed by Cannon to a different position *since the operation of the device would not thereby be modified*." (emphasis added). In re Japikse, 86 USPQ 70, 73 (1950). The invention in *Japikse* was a hydraulic power press having means (a starting switch) disposed in alignment with an opening. The court concluded that simply moving the position of the switch as compared to the prior art was not inventive.

Any fees payable for this amendment and the petition for extension of time can be deducted from deposit account 07-0475 in the name of The Gates Corporation.

Thank you for your attention to this case. If any questions arise, please call at the number below.

Sincerely,

Date: May 16, 2003

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